

MEMORANDUM

Agenda Item No. 5(E)

TO: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

DATE: December 12, 2023

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution granting petition to close NW 104 Street from 181.85 feet east of the centerline of NW 7 Avenue east for 100 feet (Vacation of Right-of-Way Petition No. P-964) filed by USA Real Estate and Investment, LLC subject to certain conditions; retaining a non-exclusive utility easement right; and authorizing the County Mayor to execute the non-exclusive utility easement and to exercise all rights conferred therein

The accompanying resolution was prepared by the Transportation and Public Works Department and placed on the agenda at the request of Prime Sponsor Commissioner Marleine Bastien.


Geri Bonzon-Keenan
County Attorney

GBK/uw


MDC001

Memorandum



Date: December 12, 2023

To: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

From: Daniella Levine Cava 
Mayor

Subject: Vacation of Right-of-Way Petition P-964
Section: 36-52-41
NW 104 Street from 181.85 Feet East of the Centerline of NW 7 Avenue East for 100 Feet
Commission District: 2

Executive Summary

The purpose of this item is for the Board of County Commissioners (Board) to grant a petition filed by USA Real Estate and Investment, LLC to vacate the subject portion of County right-of-way. If this petition is granted, the underlying lands will become incorporated into the plat of UP TO YOU. The \$13,460.00 fee for this vacation of right-of-way petition has been paid.

Recommendation

It is recommended that the Board grant vacation of right-of-way petition P-964, attached to this Memorandum as Exhibit 2, following a public hearing, and contingent on the recording of the plat of UP TO YOU, Tentative Plat T-24437. In the event the plat is not recorded within four years of the granting of the subject vacation of right-of-way petition, this resolution becomes null and void. The Miami-Dade County (County) Departments of Regulatory and Economic Resources, Transportation and Public Works (DTPW), Water and Sewer (WASD), and Fire Rescue have no objection to this portion of right-of-way being vacated. This request conforms with County regulations governing the procedures for the vacation of County right-of-way as set forth in Resolution No. 7606. The subject right-of-way is covered with pavement. Location maps are attached as Exhibit 1.

Scope

The subject vacation of right-of-way petition is located within District 2, which is represented by Commissioner Marleine Bastien.

Fiscal Impact/Funding Source

The Property Appraiser's Office has assessed the properties adjacent to the subject portion of right-of-way at an average rate of \$23.00 per square foot. Therefore, the estimated value of the subject land is approximately \$115,000. If the subject portion of right-of-way is closed and vacated, the land will be placed on the tax roll, generating an estimated \$1,960 per year in additional property taxes. The fee for this vacation of right-of-way petition is \$13,460.00.

Track Record/Monitor

DTPW is the entity overseeing this project and the person responsible for monitoring is Maria D. Molina, P.E., Chief, Right-of-Way Division.

Attachments: Exhibit 1 – Location Maps, Exhibit 2 – Vacation of Right-of-Way Petition P-964, Exhibit “A” to Petition – Sketch and Legal Description, Exhibit “B” to Petition – Tentative Plat T-24437, and Exhibit 3 – Non-Exclusive Utility Easement, Exhibit “A” to Easement – Sketch and Legal Description of Easement Area

MDC002

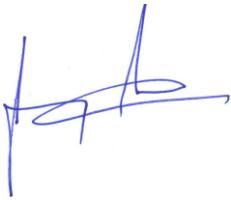
Delegated Authority

There is no delegation of authority associated with this item.

Background

The owner of the properties abutting on the subject portion of right-of-way, USA Real Estate and Investment, LLC, wishes to close NW 104 Street from 181.85 feet east of the centerline of NW 7 Avenue east for 100 feet to incorporate the land into the proposed plat of UP TO YOU, Tentative Plat T-24437. The subject portion of right-of-way is paved and used as an entrance and parking area for the business that operates on the abutting properties. This portion of right-of-way has never been improved nor maintained by the County for roadway purposes. WASD owns water and sewer infrastructure that lies within the subject right-of-way. For this reason, the County will retain a non-exclusive utility easement, attached as Exhibit 3, over, along, and under a portion of the subject land if the Board approves the granting of this petition. Public access to this land is obstructed by a metal fence and gate.

This land was dedicated to the County for roadway purposes in 1945 by the plat of SUNCREST, recorded in Plat Book 43, at Page 70, of the Public Records of Miami-Dade County, Florida. The properties abutting on the subject portion of right-of-way are zoned NCUAD (North Central Urban Area District).

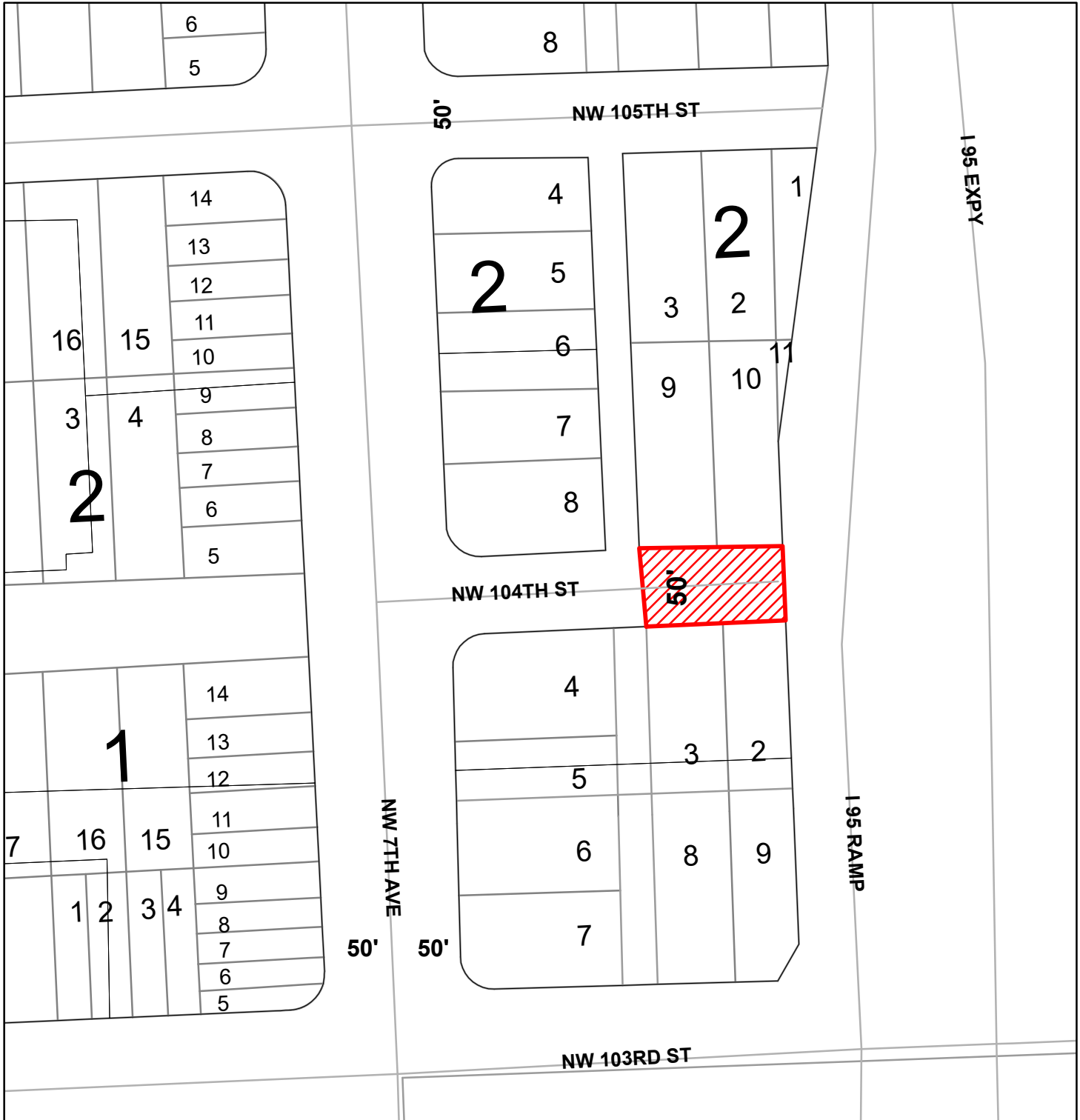


Jimmy Morales
Chief Operations Officer

Location & Aerial Map

SECTION 36 TOWNSHIP 52 S RANGE 41 E

EXHIBIT "1"



This is not a survey

P- 964

Municipality: UNINCORPORATED MIAMI-DADE
Commission District: Marleine Bastien 2

Legend

 P-964 ROAD CLOSING

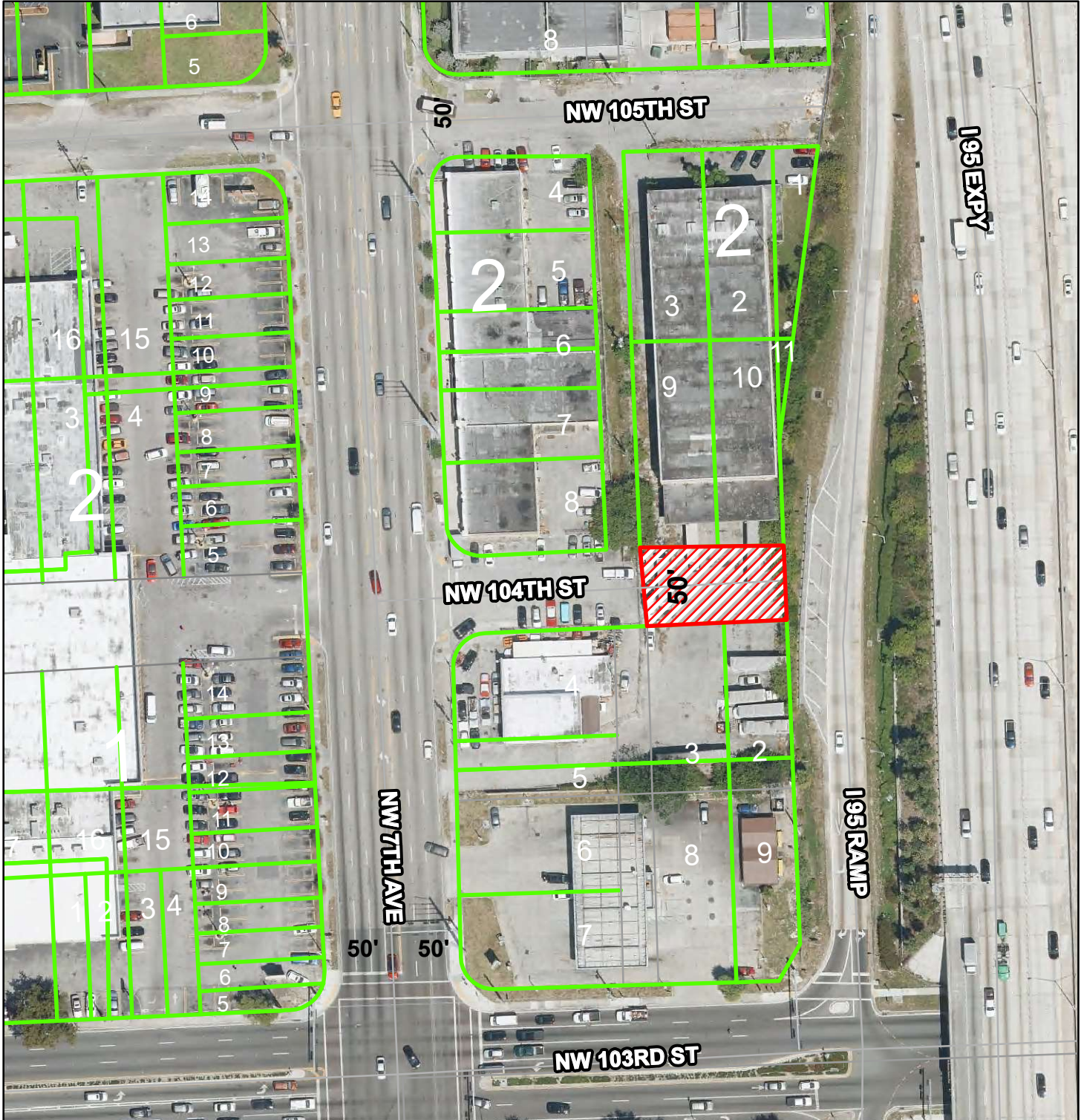
MIAMI-DADE COUNTY
Department of Transportation & Public Works
Right-of-Way Division
111 NW 1st STREET, SUITE 1610, MIAMI FLORIDA 33128
PH (305) 375-2714 FAX (305) 375-2825
MDC004

Date: July 13, 2020
Prepared by : ym

Location & Aerial Map

SECTION 36 TOWNSHIP 52 S RANGE 41 E

EXHIBIT "1"



This is not a survey

P- 964

Municipality: UNINCORPORATED MIAMI-DADE
Commission District: Marleine Bastien 2

Legend

 P-964 ROAD CLOSING

MIAMI-DADE COUNTY
Department of Transportation & Public Works
Right-of-Way Division
111 NW 1st STREET, SUITE 1610, MIAMI FLORIDA 33128
PH (305) 375-2714 FAX (305) 375-2825
MDC005

Date: July 13, 2020
Prepared by : ym

EXHIBIT 2

PETITION TO CLOSE ROAD

TO: Board of County Commissioners
Miami-Dade County, Florida

The undersigned, pursuant to Sections 336.09 – 336.12 Florida Statutes, hereby petitions the Board of County Commissioners to vacate, abandon, discontinue and close an existing public street, alleyway, road, highway, or other place used for travel, or a portion thereof, and to renounce and disclaim any right of the County and the public in and to any land in connection therewith; or to renounce and disclaim any right of County and the public in and to certain land, or interest therein, acquired by purchase, gift, devise, dedication or prescription for street, alleyway, road or highway purposes; or to renounce and disclaim any right of the County and the public in and to certain land delineated on recorded map or plat as a street, alleyway, road or highway.

The undersigned hereby certify:

1. LEGAL DESCRIPTION: The complete and accurate legal description of the road, right-of-way sought to be closed is as follows:

See attached Exhibit “A”.

2. PUBLIC INTEREST IN ROAD: The title or interest of the county and the Public in and to the above described road, right-of-way was acquired and is evidenced in the following manner (state whether public interest was acquired by deed, dedication or prescription and set forth where deed or plat is recorded in public records):

Public interest was acquired by the Suncrest plat recorded in PB 43, PG 70.

3. ATTACH SURVEY SKETCH: Attached hereto is a survey accurately showing and describing the above described right-of-way and its location and relation to surrounding property, and showing all encroachments and utility easements.

SEE EXHIBIT "B" ATTACHED.

4. ABUTTING PROPERTY OWNERS: the following constitutes a complete and accurate schedule of all owners of property abutting upon the above described right-of-way.

PRINT NAME	FOLIO NO.	ADDRESS
USA Real Estate and Investment, LLC	30-2136-019-0020	650 NW 105 th St.
	30-2136-019-0010	10325 NW 7 th Ave.

5. ACCESS TO OTHER PROPERTY: The undersigned certify that in the event this petition is granted no other property owners will be prevented from access to and from their property and no other property owners in the vicinity will be adversely affected.

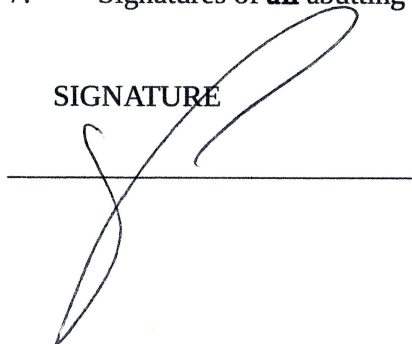
6. GROUNDS FOR REQUESTING PETITION AND PROPOSED USE FOR THE LAND BY THIS REQUEST: The undersigned submits as a grounds and reasons in support of this petition the following (state in detail, why petition should be granted):

The portion of NW 104th Street we are seeking to vacate no longer serves as a thru street as the street now dead ends as a result of the construction of I-95. Our intent is to vacate the R/W in order to make improvements on said R/W as well as to secure the area. The County will have no further responsibility to maintain the R/W and by vacating the R/W the County will collect additional taxes on the vacated area.

7. Signatures of **all** abutting property owners: Respectfully submitted,

SIGNATURE

ADDRESS



A handwritten signature in black ink, consisting of a large, stylized loop that crosses itself, written over a horizontal line.

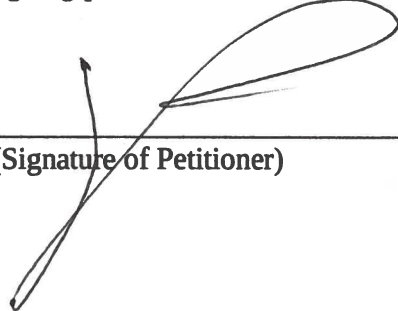
650 NW 105th St. & 10325 NW 7th Ave

Attorney for Petitioner

Address: _____
Signature of Attorney not required)

STATE OF FLORIDA)
) SS
BROWARD COUNTY)

BEFORE ME, the undersigned authority, personally appeared Yonit Sapir, who first by me duly sworn, deposes and says that he/she is one of the petitioners named in and who signed the foregoing petition; that he/she is duly authorized to make this verification for and on behalf of all petitioners; that he/she has read the foregoing petition and that the statements therein contained are true.



(Signature of Petitioner)

Sworn and subscribed to before me this

01 day of JULY, 2020



Notary Public State of Florida at Large

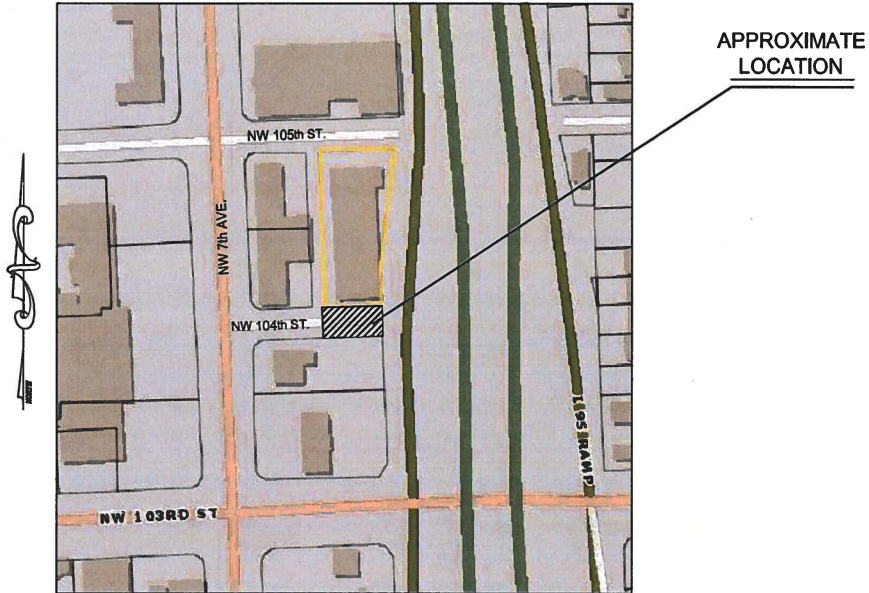


Shaul Avin
Commission # 66314634
Expires: July 8, 2023
Bonded Thru Aaron Notary

My Commission Expires: 07/08/2023

**EXHIBIT "A"
TO PETITION**

SKETCH AND LEGAL
FOR N.W. 104th STREET RIGHT OF WAY PURPOSE



PROPERTY ADDRESS:
FOLIO NO. 30-2136-019-0020 (REFERENCE)

REFERENCE ADDRESS:

650 NW 105 ST
MIAMI, FL 33150

LOCATION MAP

SECTION 36, TOWNSHIP 52 SOUTH, RANGE 41 EAST
LYING AND BEING IN MIAMI-DADE COUNTY FLORIDA
(NOT TO SCALE)

SURVEYOR'S NOTES:

- 1.) THIS IS NOT A SURVEY.
- 2.) BEARINGS AND COORDINATES SHOWN ON THIS SPECIFIC PURPOSE SURVEY ARE BASED ON THE FLORIDA STATE PLANES COORDINATE SYSTEM, EAST ZONE, 1983 NORTH AMERICAN DATUM, 1990.
- 3.) TYPE OF SURVEY: SPECIFIC PURPOSE SURVEY.
- 4.) ALL MEASUREMENTS ARE IN ACCORDANCE WITH THE UNITED STATES STANDARD U.S. FOOT.
- 5.) BEARINGS SHOWN HEREON AND NORTH ARROW DIRECTION ARE BASED ON AN ASSUMED VALUE OF N 87°52'41" E, ALONG THE SOUTH RIGHT OF WAY LINE OF N.W. 104th STREET IN MIAMI-DADE COUNTY, FLORIDA, AND ALL OTHER ARE RELATIVE THERETO.
- 6.) CONTACT THE APPROPRIATE AUTHORITY PRIOR TO ANY DESIGN WORK ON THE HEREIN DESCRIBED PARCEL FOR BUILDING AND ZONING INFORMATION.
- 7.) UNDERGROUND UTILITIES ARE NOT DEPICTED HEREON, CONTACT THE APPROPRIATE AUTHORITY PRIOR TO ANY DESIGN WORK OR CONSTRUCTION ON THE PROPERTY HEREIN DESCRIBED. SURVEYOR SHALL BE NOTIFIED AS TO ANY DEVIATION FROM UTILITIES SHOWN HEREON.
- 8.) ENCUMBRANCES NOT SHOWN ON THE PLAT.
- 9.) FENCE OWNERSHIP NOT DETERMINED.
- 10.) NO IDENTIFICATION FOUND ON PROPERTY CORNERS UNLESS NOTED.
- 11.) THE SOURCES OF DATA USED FOR THE PREPARATION OF THIS SPECIFIC SURVEY IS "SUNCREST". ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 43, AT PAGE 70, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

THIS IS NOT A SURVEY
NOT VALID WITHOUT SHEET 2 AND 3 OF 3.

PARCEL NUMBER: 30-2136-019-0020 (REF.)	
LOCATION MAP, SURVEYORS NOTES, PROPERTY ADDRESS	
Project No.: N/A	
Drawn by: M.G.	SKETCH
Approved by: AM	SHEET 1 OF 3
DATE: 06-11-2020	Scale: AS SHOWN



1435 S.W. 87th AVENUE
SUITE "201"
MIAMI, FL 33174
PHONE: (305) 556-4002
FAX: (305) 556-4003
EMAIL:
JFEE@LMSURVEYING.COM

SKETCH AND LEGAL
FOR N.W. 104th STREET RIGHT OF WAY PURPOSE
SEC. 36. TWP. 52 S. RNG. 41 E.



PROPOSE LEGAL DESCRIPTION OF PARCEL "A":

A PARCEL OF LAND LYING WITHIN N.W. 104th STREET, OF "SUNCREST", ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 43, AT PAGE 70 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, FOR RIGHT OF WAY PURPOSE BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:


COMMENCING AT THE POINT OF INTERSECTION OF THE EXTENSION LINES OF THE EAST RIGHT OF WAY LINE OF N.W. 7th AVENUE AND THE SOUTH RIGHT OF WAY LINE OF N.W. 104th STREET, ACCORDING TO THE PLAT BOOK 43, PAGE 70. THENCE N87°52'45"E ALONG THE SOUTH RIGHT OF WAY LINE OF N.W. 104th STREET A DISTANCE OF 131.85 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL OF LAND. THENCE CONTINUE N87°52'45"E A DISTANCE OF 100 FEET. THENCE N02°42'50"W, ALONG THE NORTHERN EXTENSION OF THE EAST LINE OF LOT 2, BLOCK 1 OF PLAT BOOK 43, PAGE 70, TO THE POINT ON THE NORTH RIGHT OF WAY LINE OF N.W. 104th STREET, A DISTANCE OF 50 FEET. THENCE S87°52'45"W ALONG THE NORTH RIGHT OF WAY LINE OF N.W. 104th STREET A DISTANCE OF 100 FEET. THENCE S02°42'51"E A DISTANCE OF 50 FEET TO THE POINT OF BEGINNING.

SAID LAND SITUATE, LYING AND BEING IN MIAMI-DADE COUNTY, FLORIDA AND CONTAINING 5,000 SQUARE FEET 0.115 ACRES MORE OR LESS.

LEGEND

ABBREVIATION	DEFINITION
R/W	RIGHT OF WAY
P.B.	PLAT BOOK
O.R.B.	OFFICIAL RECORD BOOK
PG.	PAGE
P.O.C.	POINT OF COMMENCE
P.O.B.	POINT OF BEGINNING
BLK.	BLOCK
	MONUMENT LINE
C/L	CENTER LINE
REF.	REFERENCE
PROP.	PROPOSED
	FOUND NAIL & DISK
●	POINT OF CURVATURE

SURVEYOR'S CERTIFICATION: I HEREBY CERTIFY TO THE BEST OF MY KNOWLEDGE AND BELIEF THAT THIS "SKETCH AND LEGAL" MEETS THE STANDARDS OF PRACTICE AS SET FORTH BY THE STATE OF FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS

SIGNED  FOR THE FIRM
 ARTURO MENDOCABA, P.S.M. P.S.M. No. 5844-STATE OF FLORIDA
 NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER. ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTY-OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES AND/OR NOT VALID WITHOUT AN AUTHENTIC ELECTRONIC SIGNATURE AND AUTHENTICATED ELECTRONIC SEAL.

THIS IS NOT A SURVEY
 NOT VALID WITHOUT SHEET 1 AND 3 OF 3.

FOLIO NUMBER: 30-2136-019-0020 (REF.)

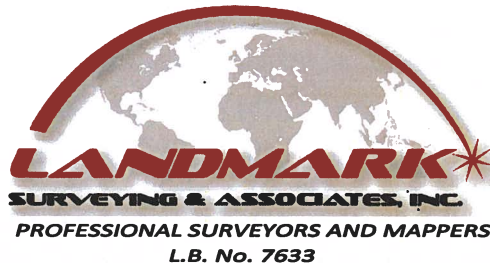
LEGAL DESCRIPTION OF PARCEL & LEGEND

Project No.: N/A

Drawn by: M.G. SKETCH

Approved by: AM SHEET 2 OF 3

Date: 06-15-2020 Scale: N/A



1435 S.W. 87th AVENUE
SUITE "201"
MIAMI, FL 33174
PHONE: (305) 556-4002
FAX: (305) 556-4003
EMAIL:
JFEE@LMSURVEYING.COM
MDC011

EXHIBIT "B"

EXHIBIT 3

appurtenant equipment, which right, privilege and easement (as that term is defined herein) shall include the right to remove or demolish, with no obligation to repair or replace same, any obstructions placed on the easement, including pavers, or that may extend up to twenty-five (25) feet vertically above the finished grade over the easement, as may be necessary to carry out any rights reserved herein over, along, and under the following described parcel of land, situate, lying, and being in Miami-Dade County, State of Florida, "the easement," to-wit:

SEE ATTACHED EXHIBIT "A"

The reservation of this non-exclusive easement and the County's use thereof shall be superior to any other use inconsistent therewith, as determined in the sole discretion of the County. This easement also provides the County with the full and unlimited right of ingress thereto and egress there from on the property located at 650 NW 105 Street, Miami, FL 33150 and the easement described in Exhibit A.

IN WITNESS WHEREOF, the County has caused this reservation to be executed on its behalf, the day and year first above written.

ATTEST:

JUAN FERNANDEZ-BARQUIN,
Clerk of the Court
and Comptroller

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

Attested By: _____

By: _____

Deputy Clerk:

County Mayor

Approved as to form and
legal sufficiency

Assistant County Attorney

The foregoing was accepted and approved on the ____ day of _____, 2023 by Resolution No. R-_____ of the Board of County Commissioners of Miami-Dade County, Florida.

STATE OF FLORIDA)
)SS
COUNTY OF MIAMI-DADE)

I HEREBY CERTIFY, that on this ____ day of _____, A.D. 202_, before me, an officer duly authorized to administer oaths and take acknowledgments, personally appeared by means of []physical or []online notarization _____ personally known to me, or proven, by producing the following forms of identification: _____ to be the person duly authorized on behalf of **MIAMI-DADE COUNTY**, a political subdivision of the State of Florida. Said person executed the foregoing instrument freely and voluntarily for the purposes therein expressed.

WITNESS my hand and official seal in the County and State aforesaid, the day and year last aforesaid.

Notary Signature

Printed Notary Signature

NOTARY SEAL/STAMP

Notary Public, State of _____

My commission expires: _____

Commission/Serial No. _____

Approved and accepted by:

Signed, Sealed and Delivered
in our presence: (2 witnesses
for each signature or for all)

Karen Borge
Witness
Karen Borge / 6612 Stirling Rd Hollywood
Printed Name & Address FL 33024

Maria Aguirre
Witness
Maria Aguirre / 6612 Stirling Rd Hollywood
Printed Name & Address FL 33024

**USA REAL ESTATE AND
INVESTMENT, LLC**

Name of LLC

[Signature] (Sign)

By: Member

Alon Bar
Printed Name
6050 SW 55th Pl 33314
Address (if different)

STATE OF FLORIDA)
) SS
COUNTY OF ~~MIAMI-DADE~~ Broward

I HEREBY CERTIFY, that on this 6th day of October, A.D. 2023,
before me, an officer duly authorized to administer oaths and take
acknowledgments, personally appeared by means of physical or
[] online notarization ALON BAR personally known to me, or
proven, by producing the following forms of identification: Florida
Driver's License to be the Member duly authorized on behalf of USA
REAL ESTATE AND INVESTMENT, LLC, a Florida limited liability
company. Said Member executed the foregoing instrument freely and
voluntarily for the purposes therein expressed.

WITNESS my hand and official seal in the County and State
aforesaid, the day and year last aforesaid.



KAREN LISBETH BORGE
Commission # HH 096398
Expires March 26, 2025
Bonded Thru Budget Notary Services

Karen Lisbeth Borge
Notary Signature

Karen Lisbeth Borge
Printed Notary Signature

NOTARY SEAL/STAMP

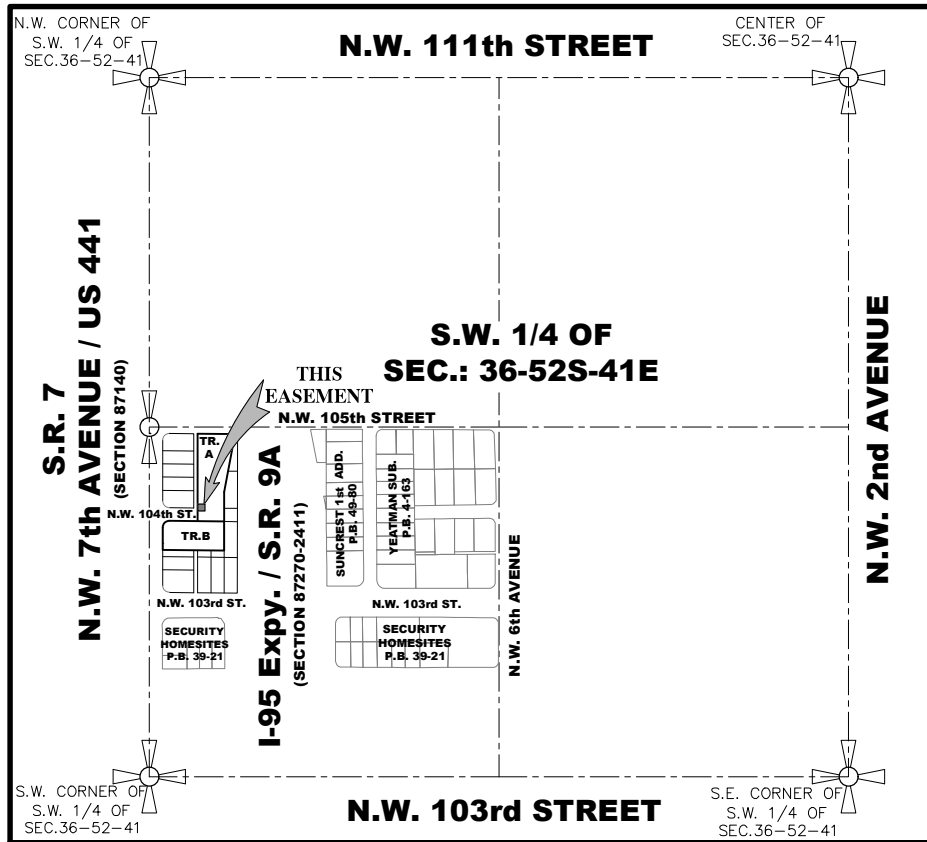
Notary Public, State of Florida

My commission expires: 03/26/2025

Commission/Serial No. HH096398

**EXHIBIT "A"
TO EASEMENT**

EXHIBIT "A"
12 FEET MD-WASD WATER EASEMENT
"UP TO YOU"



LOCATION MAP

"UP TO YOU", T-24437,
 SECTION 36, TOWNSHIP 52 SOUTH, RANGE 41 EAST
 LYING AND BEING IN MIAMI-DADE COUNTY FLORIDA
 (NOT TO SCALE)

PROPERTY ADDRESS:

FOJO NO. 30-2136-019-0020

REFERENCE ADDRESS:

650 NW 105 ST
 MIAMI, FL 33150

THIS DOCUMENT CONSIST OF 4 SHEETS AND
 NEITHER SHALL BE CONSIDERED FULL, VALID
 AND COMPLETE WITHOUT THE OTHERS.

PARCEL NUMBER: 30-2136-019-0020

LOCATION MAP, PROPERTY ADDRESS

Project No.: 1912.0136-02

Drawn by: M.G.

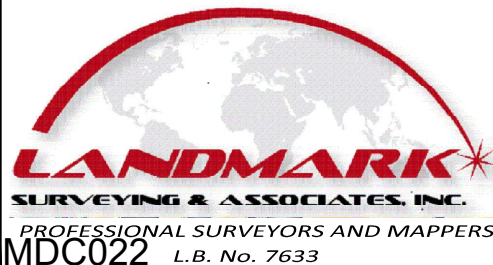
SKETCH

Approved by: AM

SHEET 1 OF 4

DATE: 05-05-2023

Scale: AS SHOWN



1435 S.W. 87th AVENUE
 SUITE "201"
 MIAMI, FL 33174
 PHONE: (305) 556-4002
 FAX: (305) 556-4003
 EMAIL:
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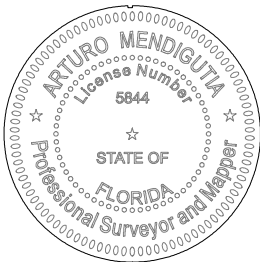
12 FEET MD-WASD WATER EASEMENT "UP TO YOU"

SURVEYOR'S NOTES:

- 1.) THIS IS NOT A BOUNDARY SURVEY, BUT ONLY A GRAPHIC DEPICTION OF THE DESCRIPTION SHOWN HEREON.
- 2.) NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER, ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.
- 3.) THERE MAY BE ADDITIONAL RESTRICTIONS NOT SHOWN ON THIS SKETCH AND LEGAL DESCRIPTION THAT MAY BE FOUND IN THE INSTRUMENTS, IF ANY AFFECTING THIS PROPERTY.
- 4.) BEARINGS SHOWN HEREON AND NORTH ARROW DIRECTION ARE BASED ON AN ASSUMED VALUE OF N 87°52'45" E, ALONG THE SOUTH RIGHT OF WAY LINE OF N.W. 104th STREET IN MIAMI-DADE COUNTY, FLORIDA, AND ALL OTHER ARE RELATIVE THERETO.
- 5.) THE SKETCH AND LEGAL DESCRIPTION SHOWN HEREIN IS BASED ON THE INFORMATION SHOWN ON THE WATER AND SEWER AS-BUILT AS PER DEPARTMENT OF WATER AND SEWER (WATER DISTRIBUTION SYSTEM), CITY OF MIAMI, FL. SHEETS E8239 AND ES-7716-17.
- 6.) NO TITLE RESEARCH HAS BEEN PERFORMED TO DETERMINE IF THERE ARE ANY CONFLICT EXISTING OR ARISING OUT OF THE CREATION OF THE EASEMENT, RIGHT OF WAYS, PARCEL DESCRIPTIONS, OR ANY OTHER TYPE OF ENCUMBRANCES THAT THE HEREIN DESCRIBED LEGAL MAY BE UTILIZED FOR.
- 7.) THE VERTICAL CLEARANCE OF THIS EASEMENT IS 25.00 FEET.
- 8.) THE INTENT OF THIS EASEMENT IS TO ENCOMPASS THE INSTALLED WATER DISTRIBUTION AND RELATED FACILITIES, AS SHOWN ON THE WATER AS-BUILT AS PER DEPARTMENT OF WATER AND SEWER (WATER DISTRIBUTION SYSTEM), E8239-1.

SURVEYOR'S CERTIFICATION:

I HEREBY CERTIFY TO THE BEST OF MY KNOWLEDGE AND BELIEF THAT THIS SKETCH AND LEGAL DESCRIPTION IS TRUE AND CORRECT AND WAS MADE UNDER MY DIRECT SUPERVISION AND THAT IT MEETS THE STANDARDS OF PRACTICE SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYOR AND MAPPER CHAPTER 5J-17.050 THRU 5J-17.052 OF THE FLORIDA ADMINISTRATIVE CODE. PURSUANT TO CHAPTER 472.02, FLORIDA STATUTE. SUBJECT TO NOTES AND NOTATIONS SHOWN HEREON.



Digitally signed by Arturo Mendigutia
Date: 2023.05.19 13:42:33 -04'00'

ARTURO MENDIGUTIA P.S.M.
PROFESSIONAL SURVEYOR & MAPPER.
STATE OF FLORIDA REG. No. 5844

PARCEL NUMBER: 30-2136-019-0020

SURVEYOR'S NOTES

Project No.: 1912.0136-02

Drawn by: M.G.

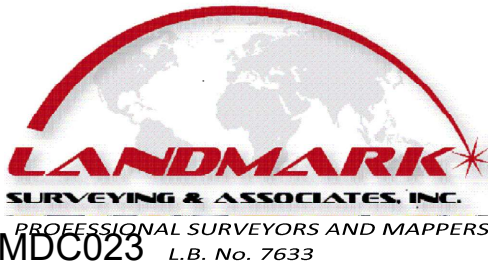
SKETCH

Approved by: AM

SHEET 2 OF 4

DATE: 05-05-2023

Scale: AS SHOWN



1435 S.W. 87th AVENUE
SUITE "201"
MIAMI, FL 33174
PHONE: (305) 556-4002
FAX: (305) 556-4003
EMAIL:
JFEE@LMSURVEYING.COM

12 FEET MD-WASD WATER EASEMENT "UP TO YOU"

LEGAL DESCRIPTION:

A PARCEL OF LAND LYING AND BEING WITHIN TRACT "A" OF UP TO YOU, ACCORDING TO THE TENTATIVE PLAT NUMBER 24437, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, FOR AN EASEMENT PURPOSE BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A 12 FEET EASEMENT LYING 6 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTER LINE:

COMMENCING AT THE POINT OF INTERSECTION OF THE EXTENSION LINES OF THE EAST RIGHT OF WAY LINE OF N.W. 7th AVENUE AND THE SOUTH RIGHT OF WAY LINE OF N.W. 104th STREET, ACCORDING TO THE TENTATIVE PLAT NUMBER 24437, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; THENCE N87°52'45"E ALONG THE SOUTH RIGHT OF WAY LINE OF N.W. 104th STREET, ALSO BEING THE NORTH LINE OF TRACT "B" (T-24437), A DISTANCE OF 131.85 FEET TO A POINT ON THE WEST LINE OF TRACT "A" (T-24437); THENCE N02°42'51"W, ALONG THE WEST LINE OF TRACT "A" (T-24437), A DISTANCE OF 38.00 FEET TO THE POINT OF BEGINNING OF HEREON DESCRIBED CENTER LINE; THENCE N87°52'45"E, A DISTANCE OF 10 FEET TO THE POINT OF TERMINATION.

SAID LAND SITUATE, LYING AND BEING IN MIAMI-DADE COUNTY, FLORIDA AND CONTAINING APPROXIMATELY 120 SQUARE FEET.

FOLIO NUMBER: 30-2136-019-0020

LEGAL DESCRIPTION TO ACCOMPANY SKETCH

Project No.: 1912.0136-02

Drawn by: M.G.

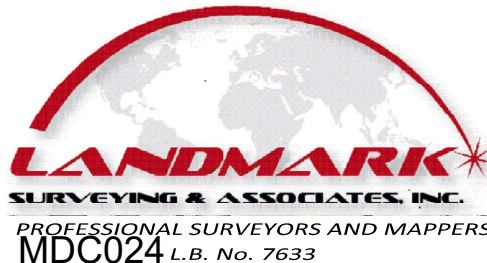
SKETCH

Approved by: AM

SHEET 3 OF 4

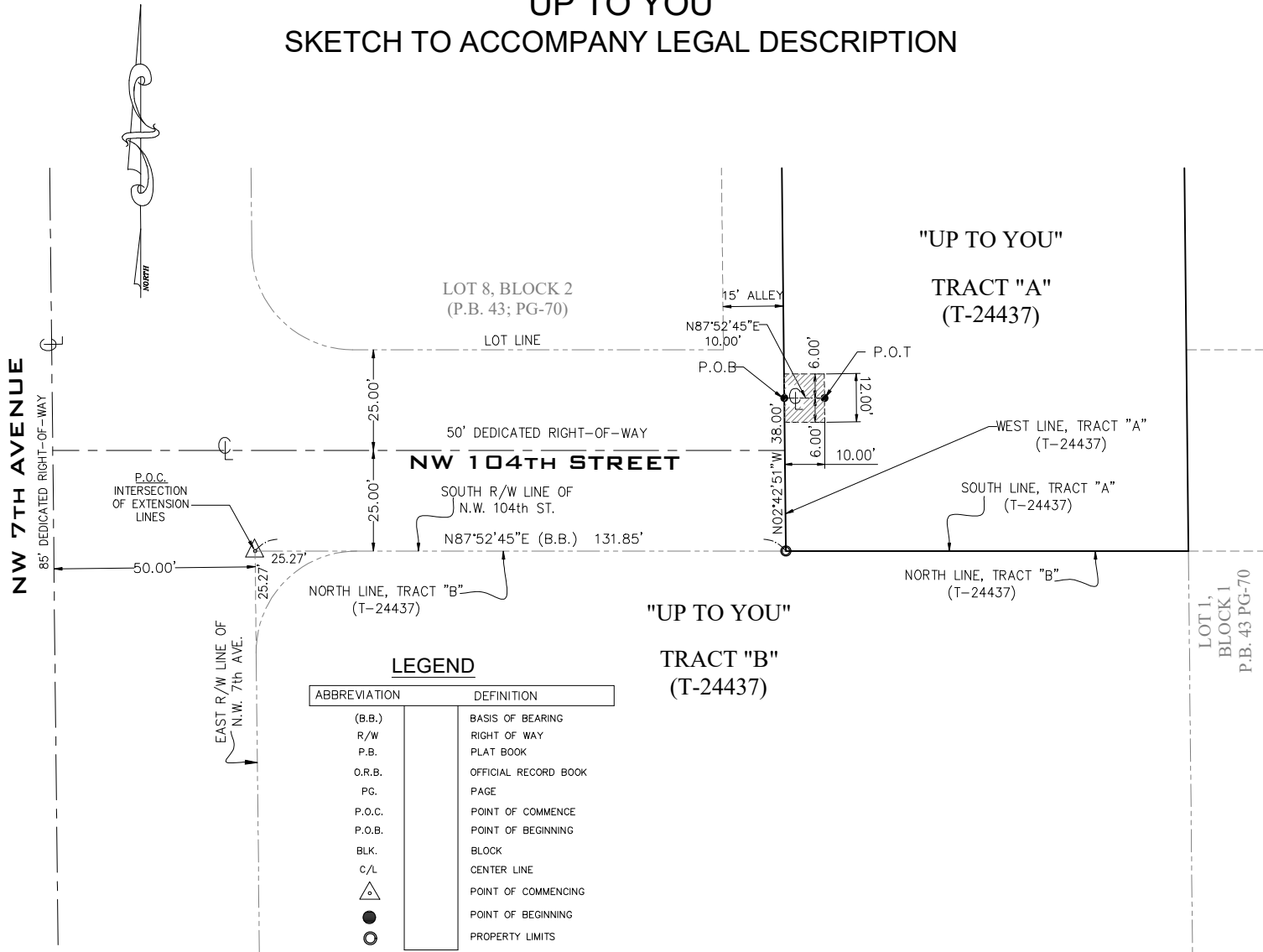
Date: 05-05-2023

Scale: N/A

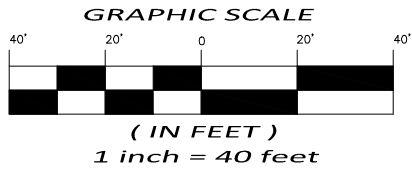


1435 S.W. 87th AVENUE
SUITE "201"
MIAMI, FL 33174
PHONE: (305) 556-4002
FAX: (305) 556-4003
EMAIL:
JFEE@LMSURVEYING.COM

12 FEET MD-WASD WATER EASEMENT "UP TO YOU" SKETCH TO ACCOMPANY LEGAL DESCRIPTION



THIS IS NOT A BOUNDARY SURVEY



FOLIO NUMBER: 30-2136-019-0020	
SKETCH TO ACCOMPANY LEGAL DESCRIPTION	
Project No.: 1912.0136-02	
Drawn by: M.G.	SKETCH
Approved by: AM	SHEET 4 OF 4
Date: 05-05-2023	Scale: 1" = 40'

LANDMARK
SURVEYING & ASSOCIATES, INC.
PROFESSIONAL SURVEYORS AND MAPPERS
MDC025 L.B. No. 7633

1435 S.W. 87th AVENUE
SUITE "201"
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MEMORANDUM
(Revised)

TO: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

DATE: December 12, 2023

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 5(E)

Please note any items checked.

- "3-Day Rule" for committees applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Statement of social equity required
- Ordinance creating a new board requires detailed County Mayor's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's present ____, 2/3 membership ____, 3/5's ____, unanimous ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) ____, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) ____) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 5(E)
12-12-23

RESOLUTION NO. _____

RESOLUTION GRANTING PETITION TO CLOSE NW 104 STREET FROM 181.85 FEET EAST OF THE CENTERLINE OF NW 7 AVENUE EAST FOR 100 FEET (VACATION OF RIGHT-OF-WAY PETITION NO. P-964) FILED BY USA REAL ESTATE AND INVESTMENT, LLC, SUBJECT TO CERTAIN CONDITIONS; RETAINING A NON-EXCLUSIVE UTILITY EASEMENT RIGHT; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE NON-EXCLUSIVE UTILITY EASEMENT AND TO EXERCISE ALL RIGHTS CONFERRED THEREIN

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference; and

WHEREAS, Vacation of Right-of-Way Petition No. P-964 was signed by the owners of all of the properties abutting on the portion of right-of-way sought to be closed; and

WHEREAS, a public hearing was held in compliance with Resolution No. 7606,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that:

Section 1. The foregoing recitals are approved and incorporated by reference.

Section 2. Vacation of Right-of-Way Petition No. P-964 is hereby granted and the alley, avenue, street, highway, or other place used for travel as described in the petition attached as Exhibit 2 to the County Mayor's Memorandum is hereby vacated, abandoned, and closed subject to the condition precedents contained in section 3 below.

Section 3. All rights of Miami-Dade County and the public in and to the same are hereby renounced and disclaimed, save and except that this closure is subject to (a) the County's retention of a non-exclusive utility easement, in substantially the form attached to the County Mayor's Memorandum as Exhibit 3, over, along, and under a portion of this land and the recordation of the same; and (b) the recordation of the plat of "UP TO YOU" (Tentative Plat T-24437), if the plat is not recorded within four years from the effective date of this resolution, then this resolution shall be null and void (the "condition precedents"). This Board authorizes the County Mayor or County Mayor's designee to execute the non-exclusive utility easement in substantially the form attached to the County Mayor's Memorandum as Exhibit 3 and to exercises all rights conferred therein.

Section 4. It is found that the action will serve a public purpose and benefit the public without violating private property rights.

Section 5. The procedure utilized in the adoption of this resolution is expressly ratified and approved.

Section 6. Pursuant to Resolution No. 7606, the Clerk is hereby directed to publish notice of the adoption of this resolution one time within 30 days hereafter in a newspaper of general circulation of Miami-Dade County and the County Mayor or County Mayor's designee shall record the proof of publication of the notice of public hearing of this resolution as adopted and the proof of publication of the notice of the adoption of this hearing in the public records of Miami-Dade County.

Section 7. The County Mayor or County Mayor’s designee is directed to forthwith file a Certificate with the Clerk subsequent to the recording of the plat and the reservation of the non-exclusive utility easement confirming that the conditions set forth in section 3(a) have been met, to be permanently stored alongside this resolution.

Section 8. Pursuant to Resolution No. R-974-09, (a) the County Mayor or County Mayor’s designee shall record the non-exclusive utility easement in the public records of Miami-Dade County, Florida and shall provide a copy of the recorded instrument to the Clerk of the Board within 30 days of the recordation of the easement; and (b) the Clerk of the Board shall attach and permanently store a copy of the recorded instrument together with this resolution.

The foregoing resolution was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

- | | |
|------------------------|----------------------------------|
| | Oliver G. Gilbert, III, Chairman |
| | Anthony Rodríguez, Vice Chairman |
| Marleine Bastien | Juan Carlos Bermudez |
| Kevin Marino Cabrera | Sen. René García |
| Roberto J. Gonzalez | Keon Hardemon |
| Danielle Cohen Higgins | Eileen Higgins |
| Kionne L. McGhee | Raquel A. Regalado |
| Micky Steinberg | |

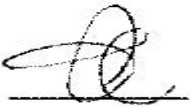
The Chairperson thereupon declared the resolution duly passed and adopted this 12th day of December, 2023. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the Board.

MIAMI-DADE COUNTY, FLORIDA BY
ITS BOARD OF
COUNTY COMMISSIONERS

JUAN FERNANDEZ-BARQUIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.



Annery Pulgar Alfonso